

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12346 MLW

MARLOW WILLIAMS, SR.,  
Plaintiff.

v.

GRANT CALLENDAR, OTIS  
HAREWOOD, GREG LONG,  
BRIAN ALBERT, EDWARD  
MEADE, JOHN CONROY, AND  
THE CITY OF BOSTON,  
Defendants.

**ANSWER OF THE DEFENDANT OTIS HAREWOOD TO  
PLAINTIFF'S COMPLAINT, WITH AFFIRMATIVE DEFENSES AND JURY DEMAND**

NOW COMES Otis Harewood, Defendant in the above-entitled  
action, and hereby answers the Plaintiff's Complaint  
("Complaint"), as follows:

PARTIES

1. Defendant Otis Harewood states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph one of the Complaint, and therefore, neither admits nor denies said allegations.
2. Defendant Otis Harewood admits the allegations contained in Paragraph two of the Complaint.
3. Defendant Otis Harewood admits the allegations contained in Paragraph three of the Complaint.
4. Defendant Otis Harewood admits the allegations contained in Paragraph four of the Complaint.
5. Defendant Otis Harewood admits the allegations contained in Paragraph five of the Complaint.

6. Defendant Otis Harewood admits the allegations contained in Paragraph six of the Complaint.

7. Defendant Otis Harewood admits the allegations contained in Paragraph seven of the Complaint.

8. Defendant Otis Harewood states that Paragraph eight of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations in Paragraph eight are denied.

#### COUNT I

Paragraphs 1-7 of Count I of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

#### COUNT II

Paragraphs 1-8 of Count II of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

#### COUNT III

Paragraphs 1-8 of Count III of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

#### COUNT IV

1. Defendant Otis Harewood states that Paragraph one of Count IV of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count IV are denied.

2. Defendant Otis Harewood denies the allegations contained in Paragraph two of Count IV of the Complaint.

3. Defendant Otis Harewood denies the allegations contained in Paragraph three of Count IV of the Complaint.

4. Defendant Otis Harewood denies the allegations contained in Paragraph four of Count IV of the Complaint.

5. Defendant Otis Harewood denies the allegations contained in Paragraph five of Count IV of the Complaint.

6. Defendant Otis Harewood states that Paragraph six of Count IV of the Complaint contains legal conclusions, and therefore no response is required.

7. Defendant Otis Harewood denies the allegations contained in Paragraph seven of Count IV of the Complaint.

#### COUNT V

1. Defendant Otis Harewood states that Paragraph one of Count V of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count V are denied.

2. Defendant Otis Harewood denies the allegations contained in Paragraph two of Count V of the Complaint.

3. Defendant Otis Harewood denies the allegations contained in Paragraph three of Count V of the Complaint.

4. Defendant Otis Harewood denies the allegations contained in Paragraph four of Count V of the Complaint.

5. Defendant Otis Harewood denies the allegations contained in Paragraph five of Count V of the Complaint.

6. Defendant Otis Harewood denies the allegations contained in Paragraph six of Count V of the Complaint.

7. Defendant Otis Harewood states that Paragraph seven of Count V of the Complaint contains legal conclusions, and therefore no response is required.

8. Defendant Otis Harewood denies the allegations contained in Paragraph eight of Count V of the Complaint.

#### COUNT VI

1. Defendant Otis Harewood states that Paragraph one of Count VI of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count VI are denied.

2. Defendant Otis Harewood denies the allegations contained in Paragraph two of Count VI of the Complaint.

3. Defendant Otis Harewood denies the allegations contained in Paragraph three of Count VI of the Complaint.

4. Defendant Otis Harewood denies the allegations contained in Paragraph four of Count VI of the Complaint.

5. Defendant Otis Harewood denies the allegations contained in Paragraph five of Count VI of the Complaint.

6. Defendant Otis Harewood denies the allegations contained in Paragraph six of Count VI of the Complaint.

7. Defendant Otis Harewood states that Paragraph seven of Count VI of the Complaint contains legal conclusions, and therefore no response is required.

8. Defendant Otis Harewood denies the allegations contained in Paragraph eight of Count VI of the Complaint.

#### COUNT VII

Paragraphs 1-7 of Count VII of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

#### COUNT VIII

Paragraphs 1-8 of Count VIII of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

#### COUNT IX

Paragraphs 1-8 of Count IX of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

#### COUNT X

Paragraphs 1-7 of Count X of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XI

Paragraphs 1-8 of Count XI of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XII

Paragraphs 1-8 of Count XII of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XIII

Paragraphs 1-7 of Count XIII of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XIV

Paragraphs 1-8 of Count XIV of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XV

Paragraphs 1-8 of Count XV of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XVI

Paragraphs 1-7 of Count XVI of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XVII

Paragraphs 1-8 of Count XVII of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XVIII

Paragraphs 1-8 of Count XVIII of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

COUNT XIX

Paragraphs 1-8 of Count XIX of the Complaint contain allegations against a Defendant other than Otis Harewood, and therefore no response from Defendant Otis Harewood is required.

**AFFIRMATIVE DEFENSES**

First Affirmative Defense

The Complaint fails to state a claim against Defendant Otis Harewood upon which relief may be granted.

Second Affirmative Defense

Defendant Otis Harewood states that there is no factual connection between any unconstitutional municipal custom, policy or practice and any alleged violation of the Plaintiff's constitutional rights.

Third Affirmative Defense

Defendant Otis Harewood states that at all relevant times, he acted in good faith and in accord with the Constitutions and laws of the United States and of the Commonwealth of Massachusetts.

Fourth Affirmative Defense

Defendant Otis Harewood states that the Plaintiff has not been deprived of any rights secured by either the Constitutions or the laws of the United States, or of the Commonwealth of Massachusetts.

Fifth Affirmative Defense

Defendant Otis Harewood states that the injury or damage alleged in Plaintiff's Complaint was neither caused nor proximately caused by him.

Sixth Affirmative Defense

Defendant Otis Harewood states that the Plaintiff, by his own acts, omissions, conduct and activities is estopped from asserting any claims against Defendant Otis Harewood.

Seventh Affirmative Defense

Defendant Otis Harewood states that the Complaint fails to state a claim entitling the Plaintiff to relief because he is entitled to qualified immunity.

Eighth Affirmative Defense

Defendant Brian Albert states that the Complaint fails to state a claim entitling the Plaintiff to relief because the claim is barred under Heck v. Humphrey, 512 U.S. 477, 487 (1994).

**JURY CLAIM**

Defendant Otis Harewood demands a trial by jury on all claims.

Respectfully submitted,

DEFENDANT OTIS HAREWOOD,  
Merita A. Hopkins  
Corporation Counsel  
By his attorneys:

/s/ Helen G. Litsas  
Helen G. Litsas, BBO #644848  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail/by hand/by fax.

11/2/05                      /s/ Helen G. Litsas